

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	:	Before the Examiner:
Chan et al.	:	Nalven, Andrew L.
	:	
Serial No.: 10/726,766	:	Group Art Unit: 2134
	:	
Filing Date: December 3, 2003	:	
	:	IBM Corporation
Title: METHOD AND SYSTEM	:	Dept. T81/Bldg. 503
FOR GRANTING USER	:	P.O. Box 12195
PRIVILEGES IN ELECTRONIC	:	3039 Cornwallis Road
COMMERCE SECURITY	:	Research Triangle Park, NC 27709
DOMAINS	:	

REPLY BRIEF UNDER 37 C.F.R. §41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is being submitted in response to the Examiner's Answer dated June 11, 2008, with a two-month statutory period for response set to expire on August 11, 2008.

I. RESPONSE TO EXAMINER'S ARGUMENTS:

- A. Response to Examiner's assertion that Gillett teaches "the security domain comprising a subset of the set of organizations and the on-line stores associated with the organizations in the subset" as recited in claim 17, as discussed on page 7 of Examiner's Answer.

The Examiner additionally cites column 8, lines 20-40 and 52-64 of Gillett as teaching "the security domain comprising a subset of the set of organizations and the on-line stores associated with the organizations in the subset" as recited in claim 17. Examiner's Answer, page 7. Appellants respectfully traverse.

Gillett teaches that the online commerce architecture enables secure storage of customer-supplied commerce information at the ISP-hosted database by encrypting the information and ensuring that only the merchant can ultimately decrypt the information. Column 8, lines 54-58.

Hence, Gillett teaches encrypting the customer-supplied commerce information and ensuring that only the merchant can ultimately decrypt the information. This is not related to a security domain comprising a subset of the set of organizations and the on-line stores associated with the organizations in the subset. In the context of one embodiment of the present invention, a security domain is a set of web pages for which users have a defined set of privileges. See Appellants' Specification, page 12, lines 12-13. The pending claims must be given their broadest reasonable interpretation consistent with the specification. *In re Hyatt*, 211 F.3d 1367, 1372, 54 U.S.P.Q.2d 1664, 1667 (Fed. Cir. 2000); M.P.E.P. §2111. The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); M.P.E.P. §2111. The Examiner's interpretation of a security domain is not reasonably consistent with the specification or consistent with the interpretation that those skilled in the art would reach. Hence, the Examiner has not presented a *prima facie* case of obviousness for rejecting claim 17. M.P.E.P. §2111.

- B. Response to Examiner's assertion that Win teaches "granting or denying access to a user attempting to access a portion of the web site by determining the user identity for the user and determining the access role associated with the user identity for the security domain corresponding to the portion of the web site subject to the access attempt" as recited in claim 17, as discussed on pages 7-8 of Examiner's Answer.

The Examiner additionally cites column 8, lines 4-25, 28-61 of Win as teaching "granting or denying access to a user attempting to access a portion of the web site by determining the user identity for the user and determining the access role associated with the user identity for the security domain corresponding to the portion of the web site subject to the access attempt" as recited in claim 17. Examiner's Answer, page 8. Appellants respectfully traverse.

Win instead teaches that runtime module 206 calls the authentication verification service to check whether an authenticated user is making the request. Column 8, lines 25-27. Win further teaches that an authenticated user is one who has successfully logged into the system. Column 8, lines 27-28. Furthermore, Win teaches that a user is considered authenticated if the request contains a "user cookie" that can be decrypted, and the request's IP address matches in the cookie. Column 8, lines 28-31. Additionally, Win teaches that after the user has been authenticated in state 312, runtime module 206 calls the authorization verification service to check that the user has the right to access the protected resource. Column 8, lines 38-41.

Hence, Win teaches determining whether an authenticated user is making the request. Win further teaches that a user is considered authenticated if the request contains a "user cookie" that can be decrypted, and the request's IP address matches in the cookie. Furthermore, Win teaches that after the user has been authenticated, the authorization verification service checks that the user has the right to access the protected resource.

There is no language in the cited passages that teaches granting or denying access to a user attempting to access a portion of the web site by determining the user identity for the user and determining the access role associated with the user identity

for the security domain corresponding to the portion of the web site subject to the access attempt. The Examiner is ignoring claim language. Appellants are not simply claiming granting or denying access to a website. The Examiner is ignoring the aspects underlined above. Therefore, the Examiner's cited passages do not teach the above-cited claim limitations as asserted by the Examiner.

C. Response to Examiner's assertion that Gillett teaches "to define the set of organizations as a tree structure" as recited in claims 20-22, as discussed on page 9 of Examiner's Answer.

The Examiner additionally cites column 3, lines 28-55 of Gillett as teaching "to define the set of organizations as a tree structure" as recited in claims 20-22. Examiner's Answer, page 9. Appellants respectfully traverse.

Gillett instead teaches that the merchant computers 24(1)-24(N), with the assistance of the ISP computer 28, create online stores that are merchant-owned, but physically hosted by the ISP computer 28. Column 3, lines 28-31. Further, Gillett teaches that the merchant uses a local web browser to remotely access the commerce server, and namely the store builder wizard, on the ISP computer 26. Column 3, lines 45-47.

Hence, Gillett teaches a merchant remotely accessing the commerce server on the ISP computer.

There is no language in the cited passages that teaches defining the set of organizations as a tree structure. The Examiner suggests that merchants are leaves to a tree (see Examiner's Answer, page 9) but does not provide any evidence to support such a proposition. There is no language in Gillett that makes any discussion of a tree structure. The Examiner must provide a basis in fact and/or technical reasoning to support the assertion that Gillett necessarily teaches defining the set of organizations as a tree structure. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that Gillett necessarily teaches defining the set of organizations as a tree structure, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169

F.3d 743, 745 (Fed. Cir. 1999). Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 20-22. M.P.E.P. §2112.

- D. Response to Examiner's assertion that Gillett teaches "defining the security domain to include the selected organization and those organizations in the set that are descendants of the selected organization" as recited in claims 20-22, as discussed on page 9 of Examiner's Answer.

The Examiner additionally cites column 8, lines 20-40 and 52-64 of Gillett as teaching "defining the security domain to include the selected organization and those organizations in the set that are descendants of the selected organization" as recited in claims 20-22. Examiner's Answer, page 9. Appellants respectfully traverse.

Gillett instead teaches an online commerce architecture that enables merchants to setup online stores hosted by Internet service providers. Column 8, lines 52-54. Further, Gillett teaches that the merchant computer 24(1) checks the ISP database 34 to see if any purchase requests for the merchant's products have been received. Column 8, lines 20-23.

Hence, Gillett teaches enabling merchants to setup online stores hosted by Internet service providers. Further, Gillett teaches that the merchant computer checks the ISP to see if any purchase requests for the merchant's products have been received.

There is no language in Gillett that provides the basis for the Examiner to conclude that Gillett teaches the above-cited claim limitations. While Gillett teaches enabling merchants to setup online stores as well as allowing merchants to see if any purchase requests for their products have been received, there is no language in the cited passages that teaches defining the security domain to include the selected organization and those organizations in the set that are descendants of the selected organization. The pending claims must be given their broadest reasonable interpretation consistent with the specification. *In re Hyatt*, 211 F.3d 1367, 1372, 54 U.S.P.Q.2d 1664, 1667 (Fed. Cir. 2000); M.P.E.P. §2111. The broadest reasonable

interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); M.P.E.P. §2111. The Examiner's interpretation of the above-cited claim limitations is not consistent with the interpretation that those skilled in the art would reach. Hence, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 20-22. M.P.E.P. §2111.

- E. Response to Examiner's assertion that Examiner's reasoning for modifying Win with Gillett to include the missing claim limitations of claims 20-22 is sufficient to establish a *prima facie* case of obviousness, as discussed on page 11 of Examiner's Answer.

The Examiner admits that Win does not teach "to define the set of organizations as a tree structure" as recited in claims 20-22. Office Action (6/20/2007), page 5; Office Action (10/26/2007), page 9. The Examiner asserts that Gillett teaches the above-cited missing limitation of claims 20-22. *Id.* The Examiner's reasoning for modifying Win with Gillett to include the above-cited claim limitation is "to set up online stores while having a centralized ISP provide the security and maintenance of the websites thereby diminishing the threat of misuse of information (Gillett, column 1 lines 35-62 and column 1 lines 1-15)." Examiner's Answer, page 11. The Examiner's reasoning is insufficient to establish a *prima facie* case of obviousness in rejecting claims 20-22.

As stated above, the Examiner cites column 1, lines 1-15 and 35-62 of Gillett as support for the Examiner's reasoning for modifying Win with Gillett to include the missing claim limitation of claims 20-22. Gillett teaches that there is a need for an architecture that provides security at the ISP level to thereby reduce the exposure of ISPs to liability. Column 1, lines 59-62. There is no language in Gillett (and in particular column 1, lines 1-15 and 35-62) that makes any suggestion to define a set of organizations as a tree structure (missing claim limitation) in order to diminish the threat of misuse of information (Examiner's reasoning). The Examiner has cited to passages in Gillett that discusses the problems in the prior art and that there is a need in the art for an architecture that provides security at the ISP level to thereby reduce

the exposure of ISPs to liability. The Examiner has to provide some rational connection between the cited passages that is the source of the Examiner's reasoning and the missing claim limitation. The Examiner's source (column 1, lines 1-15 and 35-62 of Gillett) for the Examiner's reasoning for modifying Win with Gillett to include the above-cited claim limitation does not provide reasons as to why one skilled in the art would modify Win to include the missing claim limitation of claims 20-22. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 20-22. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007).

In response to Appellants' above argument, the Examiner points out that Gillett suggests that most merchants do not have the wherewithal to manage their websites and thus it is an advantage to offload those processes to an ISP. Office Action (10/26/2007), page 5. However, the teaching of using an Internet service provider (ISP) does not provide any reasons to define a set of organizations as a tree structure (missing claim limitation). Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 20-22. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007).

Further, Win addresses the problems of permitting rapid and convenient addition of information describing users and resources and propagating the effects of changes in the data model throughout the system. Column 2, lines 34-38. The Examiner has not provided any reasons as to why one skilled in the art would modify Win (which teaches permitting rapid and convenient addition of information describing users and resources and propagating the effects of changes in the data model throughout the system) to define a set of organizations as a tree structure (missing claim limitation). The Examiner's rationale ("to set up online stores while having a centralized ISP provide the security and maintenance of the websites thereby diminishing the threat of misuse of information") does not provide such reasoning.

Why would the reason to modify Win (whose purpose is to permit rapid and convenient addition of information describing users and resources and propagate the

effects of changes in the data model throughout the system) to define a set of organizations as a tree structure (missing claim limitation) be to diminish the threat of misuse of information? Win is not concerned with diminishing the threat of misuse of information. The Examiner cannot completely ignore the teachings of Win in concluding it would have been obvious to modify Win to include the missing claim limitation of claims 20-22. Further, what is the rational connection between diminishing the threat of misuse of information (Examiner's motivation) and defining a set of organizations as a tree structure (missing claim limitation)?

Hence, the Examiner's rationale does not provide reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would modify Win to include the missing claim limitation of claims 20-22. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 20-22. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007).

F. Response to Examiner's assertion that Aull teaches "providing user identities with associated access roles at user registration to the web site" as recited in claim 24, as discussed on pages 11-12 of Examiner's Answer.

The Examiner additionally cites column 8, lines 60-67 and column 9, lines 5-15, 35-42 of Aull as teaching "providing user identities with associated access roles at user registration to the web site" as recited in claim 24. Examiner's Answer, page 12. Appellants respectfully traverse.

Aull instead teaches that in operation 350, the registration web server 124 notifies the user 132 of the availability of the role certificate. Column 9, lines 35-37. Aull further teaches that in operation 235, the user 132 accesses the registration web server 124 and provides a user signature certificate so that the registration web server 124 may verify the user's identity. Column 9, lines 37-40. Furthermore, Aull teaches that once the user's identity is verified, processing proceeds to operation 240 where the user 132 is presented with a list of role certificates for which the user 132 is a role administrator. Column 9, lines 40-43. Aull additionally teaches that in operation

245, the user 132 selects the role certificate desired and thereafter, in operation 250, the role certificate is generated and transmitted to the user 132. Column 9, lines 43-46.

Hence, Aull teaches that the user provides a user signature certificate so that the registration web server may verify the user's identity. Aull further teaches that once the user's identity is verified, the user is presented with a list of role certificates. Aull additionally teaches that after the user selects the role certificate desired, the role certificate is generated and transmitted to the user.

There is no language in the cited passages that teaches providing user identities. Instead, Aull teaches the user providing a single user signature certificate. Further, there is no language in the cited passages that teaches providing user identities with associated access roles. Instead, Aull teaches that the user provides a user signature certificate, and, after the user's identity is verified, the user is presented with a list of role certificates. The signature certificate provided by the user in Aull is only a digital certificate which is used by the web server to verify the user's identity.

Therefore, the Examiner's cited passages do not teach the above-cited claim limitation as asserted by the Examiner.

G. Other matters raised by the Examiner.

All other matters raised by the Examiner have been adequately addressed above and in Appellants' Appeal Brief (3/25/2008) and therefore will not be addressed herein for the sake of brevity.

II. CONCLUSION:

For the reasons stated above and in Appellants' Appeal Brief (3/25/2008), Appellants respectfully assert that the rejections of claims 17-24 are in error. Appellants respectfully request reversal of the rejections and allowance of claims 17-24.

Respectfully submitted,

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